

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF OKLAHOMA**

1.) JEREMEY BELL aka JEREMY BELL
and
2.) CYNTHIA BELL,

Plaintiffs,

v.

3.) ALLSTATE VEHICLE AND
PROPERTY INSURANCE
COMPANY,

Defendant.

Case No. CIV-14-00537-KEW

Removed From District Court
Of Carter County, State of Oklahoma, Case
No. CJ-2014-246

NOTICE OF REMOVAL

Defendant, Allstate Vehicle and Property Insurance Company (“Allstate”), respectfully submits this Notice of Removal of the above-styled cause to the United States District Court for the Eastern District of Oklahoma, under diversity jurisdiction. This action was filed in the District Court of Carter County, State of Oklahoma and docketed as Case No. CJ-2014-246. This removal is timely as the Insurance Commissioner was served with the Petition on or about November 20, 2014. Copies of all the process and pleadings filed in this action to-date are attached as Exhibit 1 and 2. A copy of the Docket Sheet from the State court action is attached as Exhibit 3.

This matter is removable to federal court because subject matter jurisdiction exists under 28 U.S.C. § 1332 between Plaintiffs and Defendant. First, the parties are of diverse citizenship. Plaintiffs are citizens of the State of Oklahoma. (Ex. 1, ¶ 1). Allstate is an Illinois corporation with its principal place of business in Illinois.

Second, the requisite amount in controversy, exclusive of interests and costs, is in excess of \$75,000.00. 28 U.S.C. § 1332A. “The amount in controversy is ordinarily determined by the allegations of the complaint....”. *Laughlin v. Kmart Corp.*, 50 F.3d 871, 873 (10th Cir. 1995). Here, the Petition demonstrates that Plaintiffs seek more than \$75,000.00 in actual and punitive damages from Defendant. (See, Ex. 1, p. 4, Prayer For Relief)(“Plaintiffs respectfully requests this Court to enter judgment in their favor and against Defendant for actual, consequential and punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000.00)....”). In addition, Plaintiffs also seek attorney fees. (*Id.*, Prayer For Relief). Consequently, the diversity statute’s jurisdictional amount is met.

All named parties to this action are of diverse citizenship and the requisite amount is in controversy. Therefore, the United States District Court for the Eastern District of Oklahoma has original jurisdiction of this matter under 28 U.S.C. § 1332 and this action is properly removed to federal court.

WHEREFORE, Defendant Allstate Vehicle and Property Insurance Company requests that the Court assume original jurisdiction of this cause and proceed with it to completion and to enter such orders and judgments as may be deemed necessary to protect its jurisdiction or as justice may require.

Respectfully submitted,

s/ RONALD L. WALKER
RONALD L. WALKER, OBA #9295
TOMLINSON · RUST · MCKINSTRY · GRABLE
Two Leadership Square, Suite 450
211 N. Robinson Ave.
Oklahoma City, OK 73102
405/606-3370
877/917-1559 (FAX)
E-mail: ronw@trmglaw.com
*Attorney for Defendant, Allstate Vehicle and
Property Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

John P. Zelbst, OBA # 9991
Chandra L. Holmes Ray, OBA # 14254
David Butler, OBA # 16912
411 S.W. 6th Street / P.O. Box 365
Lawton, Oklahoma 73502-0365
Tel: 580-248-4844
Fax: 580-248-6916
Attorneys for Plaintiffs

s/ RONALD L. WALKER